

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTHONY J. SINNOTT,)	
)	
Plaintiff,)	Case No. 20-cv-01917
)	
v.)	Judge Virginia M. Kendall
)	
THE CITY OF CICERO,)	Jury Trial Demanded
JERRY CHLADA, JR., individually,)	
THOMAS BOYLE, individually,)	
LAWRENCE POLK, individually,)	
RODOLFO FLORES, individually,)	
MICHAL SKRABACZ, individually, and)	
VINCENT ACEVEZ, individually,)	
)	
Defendants.)	

PLAINTIFF’ S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Plaintiff, ANTHONY SINNOTT (“Plaintiff” or “SINNOTT”), by and through his attorneys, TRENT LAW FIRM, P.C., respectfully moves for leave to file Plaintiff’s Second Amended Complaint.

1. Plaintiff seeks leave of this Court to file his Second Amended Complaint, in order to add a Count for violation of 1983 – Equal Protection (Race Discrimination).

2. Plaintiff filed his original Complaint on March 21, 2020 in the United States District Court for the Northern District of Illinois Eastern Division, Case No. 20-cv-01917, alleging that he was discriminated against, harassed, and retaliated against by his former employer, Town of Cicero, based on his race.

3. Federal Rule of Civil Procedure (15(a)(1)(b) provides that “A party may amend its pleading once as a matter of course. . . if the pleading is one to which a responsive pleading is

required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.”

4. On July 27, 2020, Defendants filed their Partial Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(b).

5. On August 10, 2020, Plaintiff filed a Motion for Leave to file his First Amended Complaint.

6. On August 13, 2020, Plaintiff’s Motion for Leave to file his First Amended Complaint was granted by this Honorable Court.

7. On September 15, 2020, Defendant’s filed Defendant’s Partial Motion to Dismiss Plaintiff’s First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and this Motion is filed within twenty-one (21) days of Defendants filing their Motion to Dismiss.

8. Further, under Federal Rule 15, the court “should freely give leave” to file an amended complaint “when justice so requires.” Fed. R. Civ. P. 15(a). A complaint merely serves to put defendants on notice, and should be freely amended or constructively amended as the case develops, as long as amendments do not unfairly surprise or prejudice defendants.” *Lockett v. Conlon*, 561 F. Supp. 2d 970, 974 (N.D. Ill. 2008) citing *Umar v. Johnson*, 273 F.R.D. 494, 503 (N.D. Ill. 1997)). The rule “reflects a liberal attitude towards the amendments of pleadings – a liberality consistent with and demanded by the preference for deciding cases on the merits.” *Duthie v. Matria Healthcare, Inc.*, 254 F.R.D. 90, 94 (N.D. Ill. 2008) (citing *Barry Aviation, Inc. v. Land O’Lakes Municipal Airport Comm’n*, 377 F.3d 682, 687 (7th Cir. 2004)).

9. “In the absence of any apparent or declared reason-such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the

amendment, futility of amendments, etc. – the leave sought should, as the rules require, be ‘freely given.’” *Foman v. Davis*, 371 U.S. 178, 182 (1962); see also *Bower v. Jones*, 978 F.2d 1004, 1010 (7th Cir. 1992) (reversing denial of leave to amend where new facts discovered near end of discovery).

10. No such reason is present here, and Plaintiff respectfully submits that leave to amend is warranted.

11. A copy of the proposed Second Amended Complaint is attached to this filing as Exhibit 1.

WHEREFORE, Plaintiff, ANTHONY SINNOTT, respectfully requests this Court grant him leave to file his Second Amended Complaint.

Respectfully submitted,

/s/ Marc P. Trent
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Marc P. Trent, an attorney, hereby certify that on September 30, 2020, I served the foregoing **Plaintiff's Motion for Leave to File Second Amended Complaint** in the above-captioned matter to be filed with the Clerk of the District court, and served on the parties of record listed below, by operation of the Court's CM/ECF electronic filing system:

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/s/ Marc P. Trent

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